

10. Defendant denies the allegations contained in paragraph 10.

11. For its defense, defendant states that any injuries or damages plaintiff may have sustained were caused by his own negligence or fault contributing directly thereto. If any verdict is entered against Target, then the jury should also assess a percentage of fault to plaintiff, and any verdict should be reduced accordingly.

12. For its further defense, defendant states that if there is any verdict against it, but it is assessed less than 51% of the total fault, then it is only liable for its assessed percentage of fault, pursuant to Missouri Revised Statutes 537.067.

13. For its further defense, defendant states that if plaintiff has received money or other compensation from or on behalf of any person or entity liable or who may be claimed to be liable for plaintiff's injuries or damages arising from the incident mentioned in plaintiff's petition, defendant is entitled to a credit and set-off in the amount of that payment or the amount the person or entity agreed to pay, against any verdict or judgment that may be entered against it, pursuant to Missouri Revised Statutes 537.060.

14. For its further defense, defendant states that plaintiff has failed to mitigate his damages.

WHEREFORE, defendant prays to be dismissed hence, together with its proper costs, and for such other relief as the court may deem appropriate.

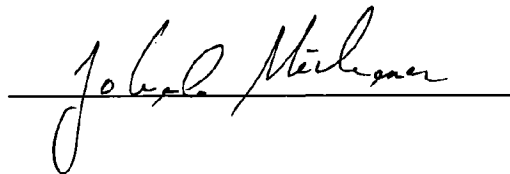
Respectfully submitted,
EVANS & DIXON, L.L.C.



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CERTIFICATE OF SERVICE

The undersigned certifies that a copy of this instrument was provided by electronic filing and/or emailed on this 6 day of February, 2014, to: Mr. Irwin M. Roitman (berlinwallpaper@sbcglobal.net), Irwin M. Roitman, LLC, 8008 Carondelet Avenue, St. Louis, Missouri 63105, attorneys for plaintiff.



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